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THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

MAR 30 2001

2 WILLIAM A. MUNDELL
Chairman
3 JIM IRVIN
Commissioner
4 MARC SPITZER
Commissioner

DOCKETED BY	<i>sd</i>
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6 IN THE MATTER OF THE APPLICATION)
OF QWEST CORPORATION F/K/A U S WEST)
7 COMMUNICATIONS, INC., FOR APPROVAL)
OF THE THIRD AMENDMENT TO THE)
8 INTERCONNECTION AGREEMENT WITH)
TESS COMMUNICATIONS, INC.)

DOCKET NOS. T-01051B-01-0132
T-03754A-01-0132

DECISION NO. 63494

ORDER

10 Open Meeting
March 27 and 28, 2001
11 Phoenix, Arizona

12 BY THE COMMISSION:

13 FINDINGS OF FACT

14 1. On February 15, 2001, Qwest Corporation ("Qwest"), f/k/a U S WEST
15 Communications, Inc., filed an application for approval of the Third Amendment to the
16 Interconnection Agreement between Qwest and TESS Communications, Inc. ("TESS"). The
17 original Interconnection Agreement was approved by the Commission on October 8, 1999, in
18 Decision No. 61983.

19 2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local
20 exchange carriers to make their networks available for interconnection and resale by new entrants
21 to the local exchange market. The 1996 Act provides for interconnection and resale agreements to
22 be concluded by voluntary negotiation.

23 3. This Third Amendment to the Interconnection Agreement between Qwest and
24 TESS was voluntarily negotiated, without resort to arbitration.

25 4. Under the terms of this Third Amendment, terms, conditions and rates are added for
26 Unbundled Dark Fiber.

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6. Staff has reviewed the Third Amendment and finds it to be non-discriminatory and in the public interest. Qwest is offering the same terms and conditions of the Agreement to all other interested parties. The Agreement is in the public interest because it will act to further competition in the local exchange market in Arizona.

7. Since there are no grounds for rejection of the Third Amendment pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the Third Amendment to the Interconnection Agreement between Qwest and TESS.

1. Qwest is an Arizona public service corporation within the meaning of Article XV, Section 2, of the Arizona Constitution.

2. The Commission has jurisdiction over TESS and over the subject matter of the Application.

3. The Commission, having reviewed the Application and Staff's Memorandum has determined that the Third Amendment to the Interconnection Agreement negotiated between Qwest and TESS meets the requirements of Section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarily-negotiated agreements and is in the public interest.

4. The Commission maintains jurisdiction over the subject matter of the Agreement and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules promulgated thereunder.

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ORDER

THEREFORE, IT IS ORDERED that the Commission hereby approves the Third Amendment to the Interconnection Agreement between Qwest and TESS filed on February 15, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION
CHAIRMAN
COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 20th day of March, 2001.


BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

DRS:EAA:lhmm

1 SERVICE LIST FOR: Qwest Corporation and TESS Communications, Inc.
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